IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No. 17108 of 2006

Date of Decision: 30.10.2006

Dr. Parveen Kumar Rishi .... Petitioner

Versus

State of Punjab and others. ... Respondents

CORAM : Hon'ble Mr. Justice J.S. Khehar,
Hon'ble Mr. Justice S.D. Anand.

Present : Mr. D.S. Patwalia, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

Through the instant writ petition, the petitioner has impugned the order dated 24.08.2006 (Annexure P/11) vide which respondent No.4 – Prof. Rakesh Sharma has been required to officiate as Principal as and when the Principal of the Government Ayurvedic College, Patiala, is on leave and/or on tour.

Learned counsel for the petitioner vehemently contends, that Dr. Rakesh Sharma (respondent No.4) was appointed as a Professor by way of direct recruitment, whereas, the post against which he was appointed by way of direct recruitment, in terms of the statutory rules, had to be filled up by way of promotion. It is also averred that respondent No.4 was ineligible for appointment as Professor. It is also pointed out that the appointment of Dr. Rakesh Sharma as Professor, is subject matter of challenge before this Court in Civil Writ Petition No. 16752 of 2005, on the issues referred to above.

It is not a matter of dispute that in case the appointment of the afore-stated Dr. Rakesh Sharma (respondent No.4) as Professor is upheld,

then he would be senior to the petitioner, and, as such, would have a better right to officiate in the absence of the existing Principal. And in case his appointment is set aside the prayer made in the instant writ petition would not survive.

In view of the above, we consider it just and appropriate to dispose of the instant writ petition at this stage, with liberty to the petitioner to raise the challenge to the impugned order dated 24.8.2006, after the decision of Civil Writ Petition No. 16752 of 2005, if such a need arises, and the petitioner is so advised.

Disposed of accordingly.

(J.S. Khehar)
Judge

October 30, 2006 (S.D. Anand)
vkd Judge